

Notice of Allowability	Application No.	Applicant(s)	
	10/632,680	SIDDIQUI ET AL.	
	Examiner	Art Unit	
	David L. Vanik	1615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 2-33 and 35-43.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>04142005</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

THURMAN K. PAGE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in telephone interviews with Kevin Hayes on 4/12/2005 and 4/13/2005.

The application has been amended as follows:

- 1) Claim 1 has been cancelled.
- 2) In claim 2, at page 38, "The hair care formulation of claim 1 wherein the formulation comprises about:" was replaced with "A hair care formulation that enhances visual and/or tactile qualities of hair comprising:".

After the amendment, the final claim 2 reads as follows:

Claim 2. A hair care formulation that enhances visual and/or tactile qualities of hair comprising:

0.00001-10% pyridoxine hydrochloride;
0.0001-12% glycyrrhizinic acid;
0.001-20% pantothenic acid;
0.0001-7% pyrrolidone;
0.0001-15% antimicrobial agent;
0.0001-10% zinc; and
0.00001-5% antioxidant.

- 3) In Claim 4, on page 39, after “of” delete “claim 1” and insert, “claim 2”.
- 4) In Claim 5, on page 39, after “of” delete “claim 1” and insert, “claim 2”.
- 5) In Claim 6, on page 39, after “of” delete “claim 1” and insert, “claim 2”.
- 6) In Claim 7, on page 39, after “of” delete “claim 1” and insert, “claim 2”.
- 7) In Claim 9, on page 39, after “of” delete “claim 1” and insert, “claim 2”.
- 8) In Claim 12, on page 40, after “of” delete “claim 1” and insert, “claim 2”.
- 9) In Claim 13, on page 40, after “of” delete “claim 1” and insert, “claim 2”.
- 10) In Claim 15, on page 40, after “of” delete “claim 1” and insert, “claim 2”.
- 11) In Claim 16, on page 40, after “of” delete “claim 1” and insert, “claim 2”.

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12) In Claim 23, on page 42, after “of” delete “claim 1” and insert, “claim 2”. Also, after “Total” delete “100.0000” and insert, “100.0000.”.

13) In Claim 24, on page 42, after “of” delete “claim 1” and insert, “claim 2”. In Claim 24, on page 43, after “Total 100.00000” delete “100.00000” and insert, “100.00000.”.

14) In Claim 25, on page 43, after “of” delete “claim 1” and insert, “claim 2”. In Claim 25, on page 45, after “Total 100.00000” delete “100.00000” and insert, “100.00000.”.

15) In Claim 26, on page 45, after “of” delete “claim 1” and insert, “claim 2”. In Claim 26, on page 48, after “Total 100.00000” delete “100.00000” and insert, “100.00000.”.

16) In Claim 27, on page 48, after “formulation of” delete “claim 1” and insert, “claim 2”.

17) In claim 28, at page 48, “The method of claim 27, wherein the hair care formula of claim 1 is the hair care formulation of claim 16” was replaced with “A method of enhancing an appearance and/or texture of hair comprising applying the hair care formulation of claim 16 to the hair.”.

18) In claim 31, at page 49, “The method of claim 30, wherein the scalp treatment formulation is the scalp treatment of claim 23 ” was replaced with “A method of enhancing an appearance and/or texture of hair comprising applying the hair care formulation of claim 23 to the hair.”.

19) In claim 32, at page 49, “The method of claim 30, wherein the daily shampoo formulation and deep cleansing formulation are the daily shampoo formulation and deep cleansing formulation of claim 24.” was replaced with “A method of enhancing an appearance and/or texture of hair comprising applying the hair care formulation of claim 24 to the hair.”.

20) In claim 33, at page 49, “The method of claim 30, wherein the revitalizing conditioner formulation and light conditioner formulation are the revitalizing conditioner formulation and light conditioner formulation of claim 25. ” was replaced with “A method of enhancing an appearance and/or texture of hair comprising applying the hair care formulation of claim 25 to the hair.”.

21) Claim 34 has been cancelled.

22) In claim 35, on page 49, after “of” delete “claim 1” and insert, “claim 2”.

23) In claim 36, at page 50, after “scalp treating formulation” delete “comprising the formulation of claim 1.”

After the amendment, the final claim 36 reads as follows:

Claim 36: The kit of claim 35 further comprising a scalp treatment formulation.

24) In claim 39, at page 50, after “another shampoo and conditioner” delete “other than the shampoo and conditioner of claim 35.”.

After the amendment, the final claim 39 reads as follows:

Claim 39: The kit of claim 35 further comprising instructions not to use another shampoo and conditioner.

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25) In claim 40, at page 50, after “scalp treatment formulation” delete “comprising the formulation of claim 1, and”.

After the amendment, the final claim 40 reads as follows:

Claim 40: The kit of claim 37 further comprising a scalp treatment formulation wherein the conditioner comprises a regular conditioner and a deep conditioner.

26) New claim 41 was added and reads as follows:

The method of claim 31 wherein the hair care formulation is included in a separate shampoo formulation, deep cleansing shampoo formulation, conditioner formulation, revitalizing conditioner formulation, and scalp treatment formulation, wherein:

the deep cleansing shampoo formulation is applied to the hair 1-2 times per week, and the daily shampoo is applied the other days of the week;

the revitalizing conditioner formulation is applied 1-2 times per week, and the light conditioner formulation is applied to the hair the other days of the week; and

the scalp treatment formulation is applied to the scalp each day of the week.

27) New claim 42 was added and reads as follows:

The method of claim 32 wherein the hair care formulation is included in

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a separate shampoo formulation, deep cleansing shampoo formulation, conditioner formulation, revitalizing conditioner formulation, and scalp treatment formulation, wherein:

the deep cleansing shampoo formulation is applied to the hair 1-2 times per week, and the daily shampoo is applied the other days of the week;

the revitalizing conditioner formulation is applied 1-2 times per week, and the light conditioner formulation is applied to the hair the other days of the week; and the scalp treatment formulation is applied to the scalp each day of the week.

28) New claim 43 was added and reads as follows:

The method of claim 33 wherein the hair care formulation is included in a separate shampoo formulation, deep cleansing shampoo formulation, conditioner formulation, revitalizing conditioner formulation, and scalp treatment formulation, wherein:

the deep cleansing shampoo formulation is applied to the hair 1-2 times per week, and the daily shampoo is applied the other days of the week;

the revitalizing conditioner formulation is applied 1-2 times per week, and the light conditioner formulation is applied to the hair the other days of the week; and the scalp treatment formulation is applied to the scalp each day of the week.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

US patent 5,710,141 ('141) discloses acne-treating compositions comprising pantothenic acid (abstract), antimicrobial agents (column 5, line 15 and column 7, lines 43-44), dipotassium glycyrrhizinate (column 7, lines 56-57), vinyl pyrrolidone (column 7, line 41), antioxidants (column 7, line 50), and hydrochloride (column 5, lines 20-21). '141 also suggest the use of zinc oxide in combination with panththenic acid (column 2, lines 7-14).

US Application US 2003/0190337 ('337) discloses a skin care composition comprising antimicrobial agents (paragraph 0125), antioxidants (paragraph 0125), pantothenic acid (paragraph 0125), dipotassium glycyrrhizinate (paragraph 0125), vinyl pyrrolidone (paragraph 0125), zinc (paragraphs 0130 and 186), and pyridoxine hydrochloride (paragraph 0231).

Neither '141 nor '337 teach or fairly suggest a composition comprising:

0.00001-10% pyridoxine hydrochloride;
0.0001-12% glycyrrhizinic acid;
0.001-20% pantothenic acid;
0.0001-7% pyrrolidone;
0.0001-15% antimicrobial agent;
0.0001-10% zinc; and
0.00001-5% antioxidant.

There is nothing in the prior art that provides motivation for combining the above ingredients in the percent ranges indicated. As such, the prior art fails to anticipate or fairly suggest the compositions set forth in the instant claims 2-33 and 35-43.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

CONCLUSION

Claims 2-33 and 35-43 are allowed.

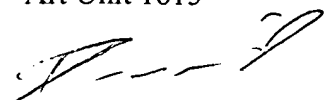
Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David L. Vanik whose telephone number is (571) 272-3104. The examiner can normally be reached on Monday-Friday 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman Page can be reached on (571) 272-0602. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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4/14/05


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